

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27935 of 2013

Arising Out of PS.Case No. -2668 Year- 2006 Thana -VAISALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

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1. Pradeep Kumar Bagla @ Pradeep Bagla, S/O Shri Gauri Prasad Bagla, Ex-Proprietor M/S Amrit Feeds Limited, Industrial Area, Hajipur, District- Vaishali and presently resident of Jaisalmer Building 6, Ashoka Road, Kolkata- 70027
.... Petitioner/s

Versus

1. The State of Bihar,
2. Uday Prakash Singh, S/O Shyam Babu Singh, resident of village- Digghi Khurd, Police Station- Hajipur Sadar, District- Vaishali.
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Shrivastava, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-04-2015

1. The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 11.10.2012 passed by the Judicial Magistrate, 1st class, Vaishali at Hajipur, in Complaint Case No.2668- C of 2006.

2. The case of the Complainant is that he was dealing in poultry business in 1995 in which period the Petitioner contacted him for establishing a factory at Hajipur Industrial Area. He then proposed to appoint him as Dealer of M/s Amrit Feeds Limited and took some self signed blank cheque as security. However, later on the Complainant formed another company which was not appreciated by the owners of M/s Amrit Feeds Limited, who started disturbing him and then deposited a cheque signed by him and got it dishonoured with a view to cheat him.

3. Counsel for the Petitioner submits that on going through the Complaint Petition it appears that it has been filed only with a view to screen himself from the prosecution initiated by the Petitioner by filing Complaint Case No.337-C of 2006 for the reasons of dishonour of cheque of which notice was sent to him. Even conceding the allegation in the Complaint Petition no criminal offence is made out.

4. On the last occasion, notice had been issued to the Opposite Party No.2 but despite having received it personally he has chosen not to appear before this Court.

5. Accepting the background facts of the case as well as allegation in the Complaint Petition, I would be inclined to hold that the present Complaint Petition deserves to be set aside.

6. Hence, the order of cognizance dated 11.10.2012 passed by the Judicial Magistrate, 1st class, Vaishali at Hajipur, in Complaint Case No.2668- C of 2006, is hereby quashed in so far as the Petitioner is concerned.

7. However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

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